

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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7 NANCY BERNSTEIN-LORENZ,)
8 Plaintiff,) 2:11-cv-01034-JCM-CWH
9 vs.) ORDER
10 DANIEL DAVID GULLICK, *et al.*)
11 Defendants.)

13 This matter is before the Court on Defendant's Motion for Protective Order Regarding
14 Plaintiff's Interrogatory No. 1 and Plaintiff's FRCP 30(b)(6) Deposition Notice Topic No. 7
(#50), filed April 26, 2012.

Plaintiff's response to Defendant's motion (#50) was due by May 14, 2012. No response was filed. Pursuant to Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Consequently, based on Plaintiff's non-opposition, Defendant's motion (#50) will be granted in its entirety. Moreover, because the motion was brought under Rule 26(c), Rule 37(a)(5) applies to the award of expenses. *See Fed. R. Civ. P. 26(c)(3).* Rule 37(a)(5) provides that if a discovery motion is granted “the court must, after giving an opportunity to be heard, require the party . . . whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees.

Based on the foregoing and good cause appearing therefore,

25 **IT IS HEREBY ORDERED** that Defendant's Motion for Protective Order Regarding
26 Plaintiff's Interrogatory No. 1 and Plaintiff's FRCP 30(b)(6) Deposition Notice Topic No. 7
27 (#50) is **granted**.

IT IS FURTHER ORDERED that Defendant shall have until **Friday, May 25, 2012** to

1 file an application for fees and expenses pursuant to Rule 37(a)(5). Plaintiff shall have until
2 **Friday, June 1, 2012** to file a response.

3 DATED this 16th day of May, 2012.

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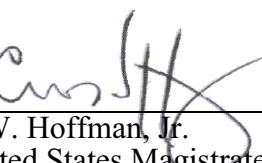
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C.W. Hoffman, Jr.
United States Magistrate Judge